

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NATIVE VILLAGE OF NAKNEK,

Plaintiff,

v.

JONES PACIFIC MARITIME, LLC, et al.,

Defendants.

CASE NO. C14-5740 BHS

ORDER GRANTING MOTION TO
SHOW CAUSE

This matter comes before the Court on Defendants Harvey B. Jones and Jones Pacific Maritime, LLC's (collectively "Jones") motion for order to show cause why arrest of the vessel *SEAHORSE*, on 292012, should not be vacated. Dkt. 30. The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby grants the motion for the reasons stated herein.

I. PROCEDURAL HISTORY

On September 19, 2014, Plaintiff Native Village of Naknek ("Naknek") filed a complaint against Jones *in personam* and the ship F/V *SEAHORSE* ("*SEAHORSE*") *in rem* in an action to clear title to *SEAHORSE* and restore her possession to Naknek. Dkt. 1. Naknek also filed an emergency motion for arrest of the vessel *SEAHORSE*. Dkt. 2. On September 18, 2014, the Court granted Naknek's motion. Dkt. 6. On October 7, 2014, the *SEAHORSE* was arrested. Dkt. 11.

On December 11, 2014, Naknek moved for judgment on the pleadings. Dkt. 19. On March 16, 2015, the Court denied Naknek's motion. Dkt. 28.

On March 26, 2015, Jones filed this motion for an order to show cause. Dkt. 30. On April 6, 2015, Naknek responded. Dkt. 33. On April 10, 2015, Jones filed a reply. Dkt. 36.

II. DISCUSSION

Jones asserts a right to a show cause hearing under the Supplemental Admiralty Rules of procedure, which provide in relevant part as follows:

Procedure for Release From Arrest or Attachment. Whenever property is arrested or attached, any person claiming an interest in it shall be entitled to a prompt hearing at which the plaintiff shall be required to show why the arrest or attachment should not be vacated or other relief granted consistent with these rules.

Fed. R. Civ. P. Supp. Admiralty Rule E(4)(f).

In this case, the Court is without discretion to deny Defendants' a hearing because the rule says that Defendants "shall be entitled to a prompt hearing" *Id.* Therefore, the Court grants the motion.

III. ORDER

Therefore, it is hereby **ORDERED** that Jones's motion for order to show cause (Dkt. 30) is **GRANTED** and a show cause hearing is set for May 27, 2015, at 2:30 PM. The briefing schedule is as follows: Naknek's opening brief due 5/19/2015; Jones' response brief due 5/22/2015; Naknek's reply brief due 5/26/2015.

Dated this 13th day of May, 2015.



BENJAMIN H. SETTLE
United States District Judge